

CITY COUNCIL

Committee of the Whole

Monday, February 25, 2013

Council Office

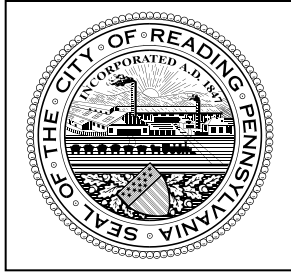
5:00 pm

Agenda

Although Council committee meetings are open to the public, public comment is not permitted at Council Committee of the Whole meetings. However, citizens are encouraged to attend and observe the meetings. Comment from citizens or professionals during the meeting may be solicited on agenda topics via invitation by the President of Council.

All electronic recording devices must be located behind the podium area in Council Chambers and located at the entry door in all other meeting rooms and offices, as per Bill No.27-2012

- I. Appointments to Boards, Authorities & Commissions**
- II. Review, Prioritize and Amend Lease Agreements for City owned properties used by outside organizations**
- III. Charter Review Commission Appointments**
- IV. Agenda Review**



COMMITTEE of the WHOLE

CITY COUNCIL

MINUTES
February 11, 2013
5:00 P.M.

COUNCIL MEMBERS PRESENT:

D. Sterner, S. Marmarou, D. Reed, M. Goodman-Hinnershitz, R. Corcoran, F. Acosta, J. Waltman

OTHERS PRESENT:

L. Kelleher, S. Katzenmoyer, C. Younger, D. Cituk, C. Snyder, R. Johnson, V. Spencer, M. Bembenick,

The Committee of the Whole meeting was called to order at 5:07 pm by Council President Acosta.

I. Laureldale Inter-Municipal Agreement (IMA)

Ms. Snyder stated that Muhlenberg has already signed its updated IMA. She stated that the updates replace IMAs signed in 1986. She stated that all municipalities are encouraged to update their IMA as it clarifies funding and establishes an advisory committee to oversee major decisions.

Ms. Snyder stated that the Laureldale IMA differs slightly from the Muhlenberg IMA regarding the measurement of EDUs and the information that needs to be submitted to the City with their quarterly reports. She stated that any differences will be reviewed with all municipalities at the end of the process and each will be amended to contain the same language.

Ms. Snyder stated that a press release will be sent after this IMA is enacted and the new rates are set. She stated that the updated IMAs will reduce cost for most municipalities and all are encouraged to update their agreements.

Mr. Waltman questioned the percentage of coverage not including Reading. Ms. Snyder stated that Muhlenberg is 12% and Laureldale is 4%.

Mr. Waltman stated that the City is 1/3 of the way through the IMA updates. He noted the need to be mindful of the timeline in the consent decree. Ms. Snyder stated that Cumru and Spring have joined forces. She stated that the City is trying to address them individually as their issues differ. She stated that negotiations with Spring are more successful than those with Cumru.

Mr. Waltman stated that the consent decree has had a negative financial impact on the City. He stated that many lawyers continue to drag out the process which costs even more. He stated that it is in the best interest of all to keep the process moving forward. Ms. Snyder stated that construction will not be delayed. She stated that the City is hoping to hear from the DOJ shortly.

Mr. Waltman questioned the buy-in needed for financing of the project. Ms. Snyder stated that the City discussed interim financing but that Mr. Vind does not believe it will be necessary.

Mr. Waltman stated that the IMA process has been slow. Mr. Spencer noted that the City needed to better articulate the updated rates and to answer many questions. He noted his hope that the more who sign, the more who will be willing sign. He stated that those who continue to be uncooperative will be reported to the DOJ. Ms. Snyder stated that she hopes that negotiations continue on collegiate terms. She stated that the hammer available is that those who do not sign updated IMAs will continue to pay the higher fees.

Mr. Murin arrived at this time.

Mr. Waltman stated that he will not support the ordinance, not because he doesn't support the project but because he doesn't support the consent decree.

II. Review and Amend Lease Agreements for City-owned Properties used by Outside Organizations

Ms. Katzenmoyer stated that she added this topic to the Committee of the Whole as it is being addressed by two separate committees.

Ms. Goodman-Hinnershitz stated that she has been requesting updates on this topic at the Public Works Committee for the last four years. She noted the increased liability to

the City when groups use City facilities without an agreement. She stated that there is also a need for consistent terms.

Ms. Reed stated that this issue was discussed by the Audit Committee. She stated that their discussion centered on a fixed asset inventory. She stated that many City possessions have been taken over the years and that this also needs to be addressed. She stated that the artwork issue brought this concern to the forefront.

Mr. Marmarou stated that there is one particular park which is more problematic than others. He stated that there are many groups interested in using this park but they are denied access. He stated that financial statements were requested. Mr. Younger stated that the financial information was not specific.

Ms. Goodman-Hinnershitz stated that City enforcement of lease agreements is also not consistent. She again noted the need for consistent lease agreement language. Mr. Younger stated that consistency is okay up to a certain point but that each facility/agreement must have language specific to that usage. He stated that the City needs to enforce the terms and conditions.

Ms. Goodman-Hinnershitz stated that she agreed with general terms and conditions and specific language for each situation. She noted the need for the City to track the end dates of agreements and address each before it expires.

Mr. Marmarou stated that this particular park would bring income to the City. He described his involvement with Rotary Park.

Ms. Snyder stated that the Administration already has too many things on its plate. She stated that addressing all agreements would be overwhelming. She stated that Ms. Katzenmoyer has done some preliminary research and provided copies to the Recreation Commission and the Law Office. She stated that the documents have been reviewed by the Recreation Commission Executive Director. She noted the need to prioritize the agreements and assign those that need to be addressed first.

Mr. Acosta agreed to prioritize agreements as long as Egelman's Park is at the top of the list. He noted the need for the City to address this agreement before the deadline. He stated that the City already missed this deadline two years in a row.

Mr. Waltman agreed with Ms. Snyder's approach. He stated that the City should also set goals for each park to determine if the use meets those goals. He noted the need to

renegotiate agreements. He stated that general terms and conditions should include liability, renewals, etc. He suggested that a few be reviewed at a time.

Ms. Goodman-Hinnershitz suggested that a resolution be added to this evening's agenda to request an update on this park. She stated that this process has taken too long.

Mr. Younger stated that by adding a resolution at this time, Council is not following its own rules about last minute additions.

Mr. Acosta supported the addition of this resolution.

Mr. Sterner suggested that this agreement be a priority as it has continued for too long. He suggested that the Administration work with Council staff to move this project forward.

Mr. Spencer agreed with Ms. Snyder and stated that the Administration cannot address all the agreements at this time. He stated that this agreement will be a priority.

Ms. Snyder stated that with other facilities, this park may not be as problematic as Council believes.

Mr. Sterner stated that this agreement states that notice must be given 90 days before June 1. Ms. Snyder stated that notice can be done easily.

Mr. Acosta expressed the belief that a letter should be sent giving notice to this organization within one week. Mr. Younger stated that if the Administration supports this position, he can move forward. Ms. Snyder stated that Mr. Younger should give notice. She noted the need for the City and the Recreation Commission to determine the best use of this park. She suggested that notice include language that this lease is being terminated, that the City is accepting proposals for the use of this facility and that the organization is encouraged to submit a proposal.

Mr. Acosta expressed his belief that this organization not be allowed to use this field. He stated that there are already others willing to step in if they are given access.

Mr. Marmarou stated that he has repeatedly reported to the Public Works Committee that others are trying to access the field and are denied.

Ms. Reed noted the need to move forward as the organization is already taking reservations for the field for the upcoming season. She stated that 90 days before June 1 is March 1.

Ms. Goodman-Hinnershitz stated that there are also issues with facilities that have no agreement. She stated that the competency of the submittals also needs to be addressed and also to determine how the Recreation Commission fits into this facility.

Mr. Acosta requested an update in one week.

Mr. Sterner stated that this is the only agreement addressed this evening but that there are others. He noted the need for follow up at additional facilities. Council agreed to the following list to be addressed as priorities: Pendora, East Ends, Fire Tower, Pagoda, Egelman, Keffer, and Hillside.

Ms. Reed stated that these agreements should be discussed at the next Committee of the Whole. Ms. Snyder agreed and stated that building usage also needs to be addressed.

Ms. Reed also noted the need for the City to determine which facilities it should continue to own.

Mr. Younger stated that all lease agreements should be approved in a Council resolution.

Mr. Lloyd arrived at this time.

III. Formation of Charter Review Commission

Mr. Acosta questioned the number of appointments. Ms. Kelleher explained that eleven members need to be appointed. She stated that employees and elected officials may serve but that the majority must be residents. She stated that the last Charter Review Commission was composed of citizens only. She encouraged a lawyer be involved as well as employees who use the Charter regularly.

Mr. Younger stated that the Charter requires residents who are registered voters.

Mr. Spencer questioned if the City Solicitor would serve as a member or an advisor. Mr. Younger stated that the last Commission had a volunteer solicitor. He stated that he was willing to serve.

Mr. Acosta questioned if Mr. Younger would be a member or advisor. Mr. Spencer stated that he would be an advisor.

Mr. Acosta stated that Council appoints seven members and the Mayor appoints four members. Ms. Katzenmoyer reminded Council that they have already appointed Mr. Reese, leaving six vacancies for Council to appoint.

Mr. Acosta stated that Mr. Reese will count as his appointment and encouraged the other members of Council to bring their recommendations forward.

Ms. Katzenmoyer questioned if these members will undergo the same background clearance as those serving on other boards, authorities and commissions.

Mr. Spencer stated that this is not stated in the Charter and should not need to be completed for this Commission.

Ms. Reed noted the need for consistency.

Mr. Younger stated that the issue is whether backgrounds are needed as this is a temporary appointment. He stated that in the past, Council passed a resolution naming their representatives but no resolution was passed for the Mayor's appointments.

Ms. Snyder stated that this topic was discussed at the Open Government meeting. She stated that this Commission is more specific and is named in the Charter which makes it different from the others. She noted that performing the background clearances would save the City embarrassment. She stated that the resolution passed by Council in 2012 creating the Commission states that Council will approve the Mayor's appointments.

Mr. Spencer stated that the Charter cannot be amended by resolution.

Ms. Goodman-Hinnershitz suggested that candidates be vetted by individuals before names are brought forward. She stated that other BAC issues were discussed during the Charter training sessions.

Mr. Sterner suggested that Council not approve the Mayor's appointments but require background clearances for all.

Mr. Spencer stated that he agrees with Ms. Goodman-Hinnershitz's statement that individuals be vetted by those making the recommendation before names are brought

forward. He stated that the Charter does not state that background clearances are needed and that this may be challenged.

Mr. Acosta stated that Council will not approve the Mayor's appointments.

Ms. Goodman-Hinnershitz noted the need for a Committee of the Whole discussion on the Nominations and Appointments Committee process. Mr. Acosta agreed with this need.

IV. W-2 Forms

Mr. Marmarou stated that retirees are calling him about their lack of a W-2 form. He stated that taxes cannot be filed without it.

Ms. Snyder stated that problems were encountered when payroll vendors changed.

Mr. Marmarou noted the need for the City to ensure that vendors are efficient and less expensive.

Mr. Cituk explained that payroll was performed in-house until August 2012. He stated that there were problems merging the two payroll systems for W-2 forms. He stated that he needs to review them all before they are sent to ensure they are correct. He stated that this takes time.

Mr. Cituk stated that if new forms are sent to those who already received them, they will be marked amended. He stated that those who have already filed their taxes may need to amend them if they receive an amended W-2 form. He stated that he caught most of the errors but some were sent before they were reviewed. Mr. Cituk stated that he has also been receiving complaints.

Ms. Goodman-Hinnershitz questioned if the W-2 forms received could be used. Mr. Bembenick advised that employees wait to have their taxes done to avoid having to amend their filing. He stated that the new forms are being completed and mailed at no cost to the City.

Mr. Bembenick expressed hope that the amended W-2's would be mailed this week.

V. Agenda Review

Council reviewed this evening's agenda including the following:

- Ordinance amending the Diversity Board

Ms. Snyder stated that these amendments are being made to allow HR and the Managing Director to have oversight. She stated that quarterly meetings will help the Board reach a quorum.

Mr. Acosta questioned the Board's next meeting. Ms. Snyder stated that she will confirm once it has been scheduled.

Mr. Acosta questioned the Police Diversity Board and Fire Diversity Board. Mr. Spencer stated that the City cannot disband them without the Court's permission. He stated that this Diversity Board must be functioning before the Court will agree.

Mr. Acosta noted the amount of money these consent decrees have cost the City. Ms. Kelleher suggested that further discussion should be in executive session.

- Ordinance amending the 2013 Position Ordinance

Ms. Snyder stated that she would like to provide an update to Council on IAFF negotiations during executive session. She suggested tabling this ordinance this evening.

- Resolutions making appointments and reappointments to BACs

Mr. Acosta questioned if Council wished to replace members of the Zoning Hearing Board based on their decisions. Ms. Kelleher stated that this would need to be discussed in executive session.

Ms. Reed stated that the discussion to change members happened several years ago.

VI. Executive Session

Mr. Acosta stated that Council would be entering an executive session. He stated that personnel issues would be discussed. Mr. Acosta read Section 708 (a) #1 of the PA Sunshine Law.

Council entered executive session at 6:07 pm and exited at 6:37 pm.

The Committee of the Whole meeting adjourned at approximately 6:37 pm.

Respectfully Submitted by

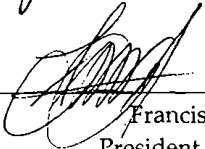
Linda A. Kelleher, CMC, City Clerk

RESOLUTION NO. Xp 2012

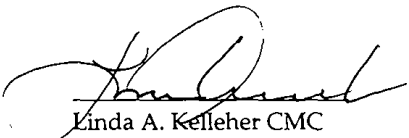
THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS
FOLLOWS:

In accordance with Section 1203 of the City of Reading Home Rule Charter, the majority of Council authorizes the formation of a Charter Review Commission to be appointed. The Commission shall be made up of eleven (11) members, seven (7) members to be appointed by City Council and four (4) members to be appointed by the Mayor, with Council approval. Those appointed shall be current residents and voters of the City of Reading and the majority of the eleven (11) appointed shall not be City officials or employees.

Adopted by Council April 9, 2012


Francis G. Acosta
President of Council

Attest:


Linda A. Kelleher CMC
City Clerk

I, LINDA A. KELLEHER, City Clerk of the City of Reading, Pa., do hereby certify, that the foregoing is a true and correct copy of the original passed by the Council of the City of Reading, on the day of A. D. 2012. Witness my hand and seal of the said City this day of A. D. 2012.


CITY CLERK

City of Reading Charter Revisions

ADDITIONS

- 1) Article II Council Section 213 - Add terminology to reflect that public comment/input is not permitted at work sessions and committee meetings - Public input/comment may be granted by the President of Council, Committee Chair or majority of Council/Committee if the subject directly pertains to agenda topic.**
- 2) Article II Council New Section - Define Council's ability and authority to place matters on referendum (See Referendum Handbook)**
- 4) Article II Section 224 Action By Resolution or Motion - City Council, through the adoption of any resolution or motion, may set policy that requires Administrative action**
- 8) Article II Council New Section - Add language regarding provisions and rules for "abstaining from the vote" during a Council Meeting - an abstention should be recorded as a "No" vote.**
- 10) Article V City Auditor - Section 504 - add (d) is absent from three consecutive regular meetings of Council - add removal provisions. (See DCA Recommendations #6 make non-elected position falling under Council)**
- 11) Article V City Auditor - more specific job duties ie. define types of reports to be submitted to Council, define number of internal audits to be done each quarter and better define role Auditor plays with the Administration and Council - define responsibilities/requirements (See DCA Recommendations #6 - make non-elected position falling under Council)**

12) Article VIII Solicitor - Add responsibilities- define role and mission

13)Article IX Financial Procedures - Section 915 - Add language to reflect that City companies and corporations should be given preference in the awarding of contracts and services. Also a "discount" could be offered.

CORRECTIONS

1) Article II Council Section 225 - More comprehensive definition of City Clerk's role and responsibilities; add provision giving Council authority to expand and define staffing of Council office

2) Article II Council Section 209 (e) - Add language to state that Department Directors may not be terminated or removed without a majority vote of Council. Correct to read "Council Members shall not dictate the appointment of any City administrative appointed office. Department Directors cannot be terminated or removed from office without the approval of Council. (See DCA Recommendation #1)

3) Article 11 Council - define Council's role, responsibility, and ratification authority in negotiating process of labor contracts

4) Article III Executive Branch Section 309 (b) - should state "Mayor shall appoint members to Boards Authorities and Commissions, as defined by state statute, with the approval by majority vote of Council."

5) Article V City Auditor - Section 503- states Auditor shall attend or be represented at all Council meetings - does not define penalty for not attending

6) Article VII - Personnel System Section 703 Personnel Code - Requires attachment of Job Descriptions - remove requirement to have job descriptions and salaries attached. (Pa. Law requires job descriptions to be updates every 2 years)

7) Article VIII City Solicitor - Clarification on Solicitor position - full, part-time or use of a law firm with one designated party to act as the City Solicitor

8) Article IX Financial Procedures Section 911 Section 911 C 1 & 2 incorrectly referenced - should be Section 911 D (1) & (2)

9) Article IX Financial Procedures Section 915- Process (a) & (b) - subsection (2)(d) is referenced; however, there is no notation on where (2)(d) comes from

10) Article IX Financial Procedures Section 915 (e) - states "All contracts shall be kept on file in the City Auditor's Office" - at present orig. contracts are kept in City Clerk's office

11)Article IX Financial Procedures - External audit information and report initially presented to City Council, as Council retains and employs the external auditor

12) Article X Boards & Commissions - Section 1002 - Clarification on Council's approval or disapproval of an appointee to a Board, Authority or Commission by the Mayor. Change Section 1002 (a) to include language pertaining to Council appointment authority when mandated by state or federal law.

13)Article XI Citizen's Rights & Participation Section 1104(e) Initiative & Referendum; Petitions - Add process to certify signatures

14) New Section Removal Due To Incapacity - Whenever any City official, whose election or appointment is provided for by this Charter, shall by reason of serious mental or physical disability be unable to discharge the duties of his office for a protracted period of time, such official may be removed after a public hearing, upon the affirmative vote of a super majority of the members of Council and in the event of such a removal, such official shall be succeeded as provided by the provisions set forth in this Charter. (Check State provisions)

15) Charter should reference 3rd Class City Code or other applicable legislation or case law throughout

17) Home Rule law assumes/or specifies that the Home Rule government can make their own rules. Dillon's Rule from 1860's states that municipalities cannot do anything the State has not defined in writing. Exceptions are those areas that apply to all cities equally.

18) Recall - Removal from Office for reasons other than specified not permitted under State Law